

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEROME MADISON,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Appellee.

§

§ No. 301, 2022

§

§

§ Court Below—Superior Court
§ of the State of Delaware

§

§

§ Cr. ID No. 1312014951 (N)

§

Submitted: October 31, 2022

Decided: December 29, 2022

Before **VALIHURA**, **VAUGHN**, and **TRAYNOR**, Justices.

ORDER

After consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of and for the reasons cited by the Superior Court in its July 29, 2022 order denying the appellant’s second motion for postconviction relief. Under the circumstances, the Superior Court’s denial of the appellant’s request to further expand the record with additional DNA testing did not violate the appellant’s due process rights.¹

¹ See Del. Super. Ct. Crim. R. 61(g)(1) (“The judge *may* direct that the record be expanded by the parties by the inclusion of additional materials relevant to the determination of the merits of the motion.”) (emphasis added).

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm be GRANTED and the judgment of the Superior Court be AFFIRMED.

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice